

TESTIMONY OF ADRIANA PODESTA IN SUPPORT OF HB5185, CONCERNING SPECIAL IMMIGRANT JUVENILE STATUS

This testimony is submitted on behalf of Adriana Podesta, Immigration Attorney and Director of Legal Services at Building One Community, a non-profit organization based in Stamford, CT, that provides services to immigrants since 2010.

Adriana Podesta supports HB5185 which seeks to extend probate court jurisdiction to an unmarried person under the age of twenty-one who is dependent on a competent caregiver and consents to the appointment or continuation of a guardian after attaining the age of eighteen, solely in connection with a petition to the United States Citizenship and Immigration Services for designation of the person as having special immigrant juvenile status under 8 USC 1101(a)(27)(J). Therefore it is of fundamental importance that this bill be passed, so that Connecticut can fully implement the intent of the federal law which aims at protecting vulnerable young people.

There is currently a disconnect between CT's statutory definition of minor child up to the age of eighteen and the federal relief of Special Juvenile Immigrant Status (SIJS) accorded to "children" of up to twenty-one years of age. New York, California, Washington and Maryland have passed statutes to address this issue; and both New Jersey and Massachusetts have extended jurisdiction for SIJS findings.

We very often see children in our office who have come to the U.S. because they were abandoned, abused or neglected by one or both of their parents. However by the time they are released from ORR to an adult in our state, they are already eighteen or close to eighteen, and they cannot qualify for the protection of our laws against abuse and neglect.

A few years ago, I represented two siblings from Guatemala who had been abandoned by their father and badly abused by their caregivers back home. They were referred to me by The Center for Sexual Assault in Stamford. Dolman was sixteen and was able to obtain SIJS status (and subsequently permanent residence). His sister Yeimi was close to eighteen and was left out of state protection and this important federal benefit. If CT's statutes in this regard were in line with the federal, Yeimi who was in the same position as Dolman, would have also qualified for SIJS.

We urge you to pass H.B. No. 5185. By passing this bill you are protecting the most vulnerable youth in our state. Those in need of a competent caregiver to avoid abuse and neglect. This bill will eliminate statutory barriers that otherwise defy our State policy to protect children from abuse and neglect and go against the spirit of the federal protection otherwise afforded to them.